A Copy of

A LETTER

[illegible] by 3.

Mr Stephen Marshall

To a friend of his in the City, for the necessary vindication of himself and his Ministry, against that altogether groundlesse, most unjust, and ungodly aspersion cast upon him by certaine Malignants in the City, and lately printed at *Oxford*, in their *Mendacium Aulicum*, otherwise called *Mercurius Aulicus*, and sent abroad into other Nations to his perpetuall infamy.

In which Letter the Accusation is fully answered. And together with that, the lawfulnesse of the Parliaments taking up Defensive Arms is briefly and learnedly asserted and demonstrated, Texts of Scripture cleared, all Objections to the contrary answered, to the full satisfaction of all those that desire to have their consciences informed in this great controversie.

HOSEA 4. 1, 2, 3.

1. *Heare the word of the Lord, ye Children of Israel, for the Lord hath a controversie with the inhabitants of the Land, because there is no truth, nor mercy, nor knowledge of God in the Land.*
2. *By swearing, and lying, and killing, and stealing, and whoring, they break out and blood toucheth blood.*
3. *Therefore shall the Land mourne, &c.*

LONDON

Printed for SAMUEL GELLIBRAND, at the Brazen Serpent in Pauls Church-yard, 1643.

SIR,

YOur Letters brought not the first tidings of the continuance and encrease of those strange reports concerning me; they filled the City even while I was there, and I perceive pursue me into the Countrey: it is a lying spirit which God hath permitted to haunt me for my triall, as it hath done others of his servants before me. You know what a book *Bolsec* wrote of the life and death of Mr. *Calvin*: *Beza* lived to write a confutation of a book written of his renouncing his religion and turning Papist. And concerning *Luther*, the Priests had long reported, that hee had his call from the devill, and to confirme it, filled *Italy* with a rumour of his death, and that at his death hee was carried away by the devill soule and body: which they (good souls) divulged not to discredit the man, but *in gloriam Iesu Christi*, to the glory of Christ, and comfort of the godly. The like usage my self have lately met with in some degree, for being afflicted with a deep cold and distillation from my head upon my lungs, and some feverish distempers, my learned, loving and careful Physitian, finding that the too importune visits of my many loving friends, occasioned too much speech, and thereby too much expence of spirits, advised me to remove to the house of my Noble Lord of *Warwick*, where I should have more ayre, and lesse company: hereupon a report was immediately spread about the City that I was distracted, and in my rage constantly cried out, I was damned for appearing in, and adhering to the Parliament and Kingdom in this defensive warre: which when I first heard, I looked upon as a calumny invented by some simple adversary (though malicious enough to my person & ministry) who finding it the readiest way to reproach me betook himself to this. But afterwards observing how studiously it was maintained, how laboriously propagated, how handed from Court to City, from City to Country, from England to forraign parts, *Mercurius Aulicus* printed it, and a great Officer of State having sent it into other Kingdoms with his letters, assuring the truth of it, and that not nine dayes, no not a month

Luther tom. 3. Ien. p. 206.

did allay it, I then perceived the plot was not so much to disgrace me, (for alas who am I that they should trouble themselves so much about me) but through me to wound the cause, in which my poore labours have been engaged. This rumour it seems yet lives, and (as your letter confirmes) encreases; from my going down into the Countrey they have taken occasion not only to report me distracted, but dead, yea that I died crying out of my appearing in this cause; and this is so confidently reported by some, that it is almost as confidently beleeved by others; even thousands, you say, which makes you earnestly to presse me to write unto you, whether I have not (at least) changed my former judgement about our defensive armes, and this not (as you professed) to satisfie your selfe, but that you might have something under my owne hand to shew for the satisfaction of others. Sir, your ancient love to me, and present desires to vindicate me from these aspersions, but especially your care that the publike cause might not suffer, doe all command me to be your servant in this thing.

I know it will satisfie you, that I solemnly protest unto you, that in all these fourteen weeks keeping in, I never had an houres sicknesse, nor lost a nights sleep, nor had any distemper in my head, nor saw any cause of sorrow for my adhering to the Parliaments cause, but esteem it a great honour and mercy from God, that he should move his Excellency my Lord, to require my service in this great expedition; and that I have even therefore exactly followed the Doctors prescriptions, out of an earnest desire to be fitted for my work, that I might returne to my most Honoured Lord, being fully resolved, if God say Amen to it, never to give it over, untill either there be an end of that work, or an end of my dayes. This I think will satisfie you, and it is possibly as much as you desire for the satisfaction of others, to have this under my hand. Take this concerning the cause, and concerning the report spread of me, what *Luther* said (of those above mentioned) concerning himselfe; *fateor & testor hâc meâ manu, &c. I professe and testifie under my hand, that I entertained this fiction of my distraction and death, lætaque mente & hilari vultu, very chearfully.*

But since your love hath compelled me to put pen to paper, I shall compell you to read the largest letter that ever I wrote, being resolved to give you a full account both of my ground and warrant of entring

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upon my office, and how farre I am from changing my judgement upon the preſent view of things.

When his *Excellency* vouchſafed to require my ſervice (for, God knows, I offered not my ſelfe in this great work) there were but two queſtions (beſide my care to walk aright in my miniſtry) for my conſcience to be reſolved in. *Firſt*, whether upon ſuppoſall of the truth of the Parliament votes. *viz.* That his Majeſty ſeduced by wicked Councell, did levie warre againſt the Parliament; the Scripture did warrant them to take up defenſive armes. *Secondly*, Whether the Parliament was not miſinformed about ſuch his Majeſties purpoſe, and practiſe. The firſt is a mear queſtion in Divinity. *viz. whether a people, eſpecially the repreſentative body of a State, may (after all humble Remonſtrances) defend themſelves againſt the unlawfull violence of the Supream Magiſtrate, or his Inſtruments, Endeavouring (and that in matters of great moment) to deprive them of their lawfull liberties.*

The Second is a queſtion mearly of matter of fact.

For the firſt, Before the beginning of theſe unhappy differences, I had both learned, and taught to this purpoſe. Firſt, that it is agreeable to Gods will, that in all Countreys (eſpecially when and where the people are numerous) Magiſtracie be ſet up, with a ſufficiencie of power and authority to rule for the publike good; and that, even among them who are under the ſcepter of Chriſt, againſt the *Anabaptiſts*. Secondly, that among the divers kinds of lawfull governments, *Monarchy*, *Ariſtocracy*, and *Democracy*, no one of them is ſo appointed of God, as to exclude the other from being a lawfull government. Thirdly, That the bounds & limits of the Magiſtrates lawfull power of commanding, and ſubjects neceſſary obeying, muſt be found, and taken out of the ſeverall Lawes, Cuſtoms, and Conſtitutions of thoſe ſeverall States, and Commonwealths: There are ſcarce two formes (eſpecially of Regall government, in the world) but they differ one from the other, and that in matters of moment. Now I ſay, what the power of Magiſtrates in one Countrey, differs from the power of Magiſtrates in another Countrey, and how the duty of Subjects differs in each, muſt be found only in the lawes of the reſpective places: that no mans right muſt be detained from him, that *Cæſar* ſhould have rendred to him the things that are *Cæſars*, and *all people*

the things that are their *own*, the *Scripture*, and *lawes of all Nations* doe determine. But whether (for instance in *England*) Shipmoney be the *Kings* right, and so to be yeelded, or denied; whether this house or inheritance be this or the other pretenders to it, must not be determined by any law, but by the law of *England*; goe therefore to the *Lawes*, and learned *Lawyers*, and from them alone you shall learn what is the *Prerogative of the Prince*, and both the *Duty, and Liberty of the Subject*. But then fourthly comes in Religion, or the command of God, and binds the consciences of Magistrates to rule, and of Subjects to obey, according to those Laws. And fifthly, (in particular) of Subjects it requires these four things. First, to render to their Governours, next under God, the *greatest fear, and honour*, as being Gods Vicegerents, as having the greatest beams of his authority put upon them, and therefore called Gods, and all of them the children of the most High. Secondly, *Loyalty* to their persons, and office, that is, *obedience* according to law, and *patient subjection*, when we cannot actively obey, willingly for conscience sake to submit to the penalty of the lawes, when for conscience sake we cannot observe the laws themselves. Thirdly, *maintenance*, with payment of all lawfull Customs, Tributes, and Impositions. Fourthly, all manner of *supplications, prayers, Intercessions, and giving of thanks*, their usefulnesse being great, their temptations many, their fall (like that of great Cedars) the crushing of many, and the shaking of the earth round about them, and all this we owe, not only to the *King* as *Supream*, but in proportion to all *inferior Governors, who are sent by God also for the punishment of evill doers, and for the praise of them that doe well, they being all the ministers of God for our good, and this is the first Commandement with promise*. But sixthly, if our Governours (whether supream, or inferior) leave to rule according to law, and set up their own will contrary to law; there is no word of God acquitting them from sin in Gods sight, but severely threatning them for abusing his name, which they bear; nor any word binding the consciences of their subjects *therein* to yeeld them any *active obedience*. Thus farre wee have all sides agreeing in all the particulars, except only a few Court flatterers, who (and that especially of late) have endeavoured to cry up Monarchy, as the only ordinance of God, for the Government of States; as if the other

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forms of *Aristocracy*, and *Democracy* were not approved by him: Yea, and have cryed up the power and authority of Princes to be *such*, as that they are *absolved from all lawes*; and that whatsoever the Subjects enjoy under them, is only by the *Princes favour*, which if they please to recall, how justly or unjustly soever, the Subjects are bound to yeeld all unto them, and have no plea against their Prince, only in the Court of Heaven; no law, no judg, no Court here below, having any authority to say unto him, What dost thou: This Divinity hath of late been preached; and, as sweet enchanting musike, often chanted in the eares of our Princes: and no doubt was one great occasion of these heavy yoaks we have of late groaned under. But these absurdities need no refutation. *Egiptian Pharaoh* claimed not the wealth of his people, till he had bought it. And *Ahab* himselfe, who durst not lay claim to *Naboths* vineyard, without purchase, or colour of confiscation, proclaims their ignorance sufficiently to the world. And among our selves, the constant proceedings of our Princes, even in their most heavy *illegall* exactions, *borrowing* allwayes a colour of *law*, and the known laws of the land, enabling the meanest subject to maintain his *Propriety*, even in a two-peny matter, against his Soveraign; And the innumerable verdicts in all Courts, passing for the *Subject*, against the *King*; assure me that unlesse God for our sins should give up our Parliament and State to the vassallage which this Popish Army would bring it to, we shall heare no more of this Divinity.

The only Question now is about passive obedience; they who cry down our defensive Arms, confesse that the Magistrate cannot *require* any thing but by Law, and that the subject need not *yeeld* up his right but by Law; no tie lies upon the conscience of *Naboth* to let *Ahab* have his vineyard: but if a *Saul* will by *force* take away *our sonnes to eare his ground, and our daughters to be his Confectioners, Cookes, and Bakers; if he will by force take our fields, even the best of them, and give them their servants*, we have no help in that day, but *preces & lachrymæ, to cry unto our God:* but no liberty to defend our selves by Armes against such tyranni; if we do (Say they) we resist the ordinance of God, and must receive to our selves damnation.

But if this opinion be weighed in the ballance of Reason, how much lighter than vanity will it be found; how absurd a thing is it, that these

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men will allow me, if the King *pretend Law* in any thing I may *try it out* with him, and not when he or his Instruments come with open *violence*: If the King will *sue* me, and by pretence of *Law* seek to take away my *coat*, my *house*, my *land*, I may *defend* these from him with all the *strength of Law* I can; but if he come with *armed violence* to take away my *liberty*, *life*, *religion*, I must yeeld up these without making *any resistance*: I may secure that which I have nothing but *lex terræ* to plead my propriety in, viz. *my money*, which I may give away, and in the mean time my *liberty*, *life*, *religion*, which are mine *by the lawes of God and man*, I may not secure with a good conscience. True it is, if in case it do (upon circumstances duly weighed) appeare that our receding from our right, and not resisting wrong, will tend to the promoving of a greater and more generall good, or the preventing of a greater and more generall evill, it is agreeable to right reason, and our Saviours rule, *Mat.* 5. 39. that we should both *remit* of our right, and *submit* to wrong, whether sued or unsued, whether to superiours or inferiours, or equals. But that men should give a liberty of *defence in Law*, and yet absolutely condemn defence against *unlawfull violence*, is such an ἄλογον, such an absurdity as you shall seldom meet with.

But give me leave to weigh it a little further; if the Subjects defending themselves by Armes against the violence of oppressing Governors and their instruments be unlawfull, either it must be because their Prince hath by *conqueſt spoyled them* of that liberty which God and nature gave them at the first. Or secondly, because they or their Ancestors having submitted by *covenant and consent* to him to be their supream Ruler according to Law, they must therefore be interpreted to have yeelded up all their liberty so farre as to be now unable with a good conscience to defend themselves against his violence though contrary to Law. Or thirdly, because *God hath lifted up Princes so far* above all mortall men, that all hands are by him bound from daring to resist them.

The first I finde not many pleading, that peoples being *conquered*, makes it unlawfull for them to defend themselves against the unjust violences of their conqueror or his successors: Most of them grant, that the peoples right is to *designe the person of their Prince*. And indeed it is the most absurd reasoning in the world, that because a strong

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robber hath over powerd mee in my house, in conscience I am tyed to be his servant or slave for ever. Because *Eglon* hath mightily oppressed *Israel* for eighteen yeares, it is unlawfull for them to shake off his yoak when they are able to resist him: Certainly, whatever of mine another takes by violence from me, let him keep it never so long, it is but *Continuata injuria*, a continued wrong, till I consent to his holding it; And all reason allowes me to recover it again as soon as I can. And I fear not to say, that had *William* Sirnamed the *Conquerour* taken and held this Crowne only by his sword, and ruled over the Nation only by force, and all his successors to this day had *no other* claim to it, all the reason in the world would allow us to redeem our selves from that yoak, if we were able. Judg.

But though the sword begin the Conquest, yet many times the *Consent of the people* comes in, and makes their *Conquerour* their *lawfull King*; and then so farre as by Covenant or Lawes, they agree to be under him for the publike safety and good, they are bound up from *any resistance*. But that their parting with *some* of their liberty for the publike good should (upon the usurpation of him whom they have trusted) deprive them of that liberty which they *never parted with*, is most abhorring to reason. Suppose a free man indents with another to be his servant in some ingenious employment, as, suppose to attend upon his person; and expresly indents that his master shall not have power to command him to rub his horse heels, or fill his dung-cart, or the like; If now this master shall usurp, and command him to such sordid employment, and by force seek to compell him to them, some shew of reason (at least) there would be for the servant to plead that his *master* had *forfeited all his power* over him, and that he was free from his service, and might goe seek another master; but no colour of reason that the *servant* hath now *forfeited that immunity from sordid* and drudgery works that he first covenanted, and must thenceforth lie at his masters feet, as wholly prostitute to all his Imperious humours.

Secondly, can it be imagined, by reason that a people submitting to a *lawfull government*, should thereby be necessitated to that which may overthrow the *end* of all government, that is, *inability* to provide for their common safety. That whereas when they were free and under no government at all, they might by the law of nature defend themselves

ſelves againſt injury: now having ſubmitted, though upon good conditions, they are utterly diſabled to defend themſelves, if he that ſhould be their Protector, would prove their Murtherer: If he who both in himſelfe and inſtruments ſhould be only for the puniſhment of evill and the praiſe of them that doe well, will goe, or ſend, or ſuffer a company of theeves or murtherers to goe in his name, and ſpoile and deſtroy them that do well: can their being ſubjects (in reaſon) deprive them of their defence allowed them by the law of nature? yea were they not guilty of ſelfe-murther in ſuffering ſuch a thing? For inſtance, ſome of our Hiſtorians relate of King *Iohn*, that he was tranſported with ſo deep a hatred againſt his Nobles and Commons, that he ſent an Ambaſſadour to *Miramumalin*, entituled the great King of *Africa*, *Morocco*, and *Spaine*, wherein he offered to render unto him his Kingdome, and to hold the ſame from him by tribute as his Soveraigne Lord, to forgoe the Chriſtian faith (which he held vaine) and receive that of Mahomet; like enough ſome Court-Chaplaine (may be the Clerk that went on the errand) might warrantize the Kings conſcience, and tell him, that it was *the more ſhame for them who profeſt the Chriſtian Religion, to compell him to it.* But whether the King did lawfully or not, is not our queſtion, but whether the ſubjects might lawfully have reſiſted that attempt of his, and have ſtood for their Religion, Lives, and Liberty.

Thirdly, is it not quite contrary to reaſon, that whereas Kings and Rulers nothing differing by nature from their meaneſt ſubjects, were at firſt conſtituted, and are ſtill continued for the protection, welfare, benefit, yea and ſervice of the people; and who therefore ſhould value their prerogatives, ſcepters, and lives no further then they may advance the publike good, yet if they degenerate, and will be deſtroyers, the people ſhould ſuffer all to be ſpoyled, as if Kingdoms and people had been created by God for the will, pleaſure, profit, yea and luſts of Princes. As if a Pilot purpoſely appointed for the ſafe wafting over of paſſengers, who inſtead thereof will daſh the ſhip againſt the rocks: Or a *Generall* purpoſely choſen (and to whom the ſouldiers have therefore ſworne) for the ſafety of the whole Army, ſhould yet turne the Cannon mouth upon his own ſouldiers, or deliver them all up into the hands of the enemy: the paſſengers and ſouldiers, yea the officers in

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the ſhip, and Councell of warre in the Army, ſhould morally diſabled from doing any thing to prevent their own apparant deſtruction. By this reaſon the Biſhop of *Burgeu* in the Councell of *Baſil* proved the Councell to be above the Pope, and a Kingdom above the King, and ſaid they were but flatterers who taught otherwiſe. Ac. Mon. vol.

And fourthly, doth not right reaſon as much abhorre this, that whereas Princes are the *publike fathers*, and the people owe them the duty of *children*, that theſe children ſhould be prohibited from keeping their publike fathers from the *greateſt evils*: If our naturall father through ignorance or diſtemper ſhould go into a peſt-houſe, his children might by force fetch him out; or if in a raging paſſion go about to kill himſelf, wife, children, or any others, their children may diſarme them, yea we are tied not to ſuffer *friend* or *foe* to incurre the guilt of rapine or blood, if it lie in our power to hinder it; and (ſpeak to my reaſon) what evill have Princes deſerved, that if they go about to murder themſelves, ſubjects, and children, not any of their people, no not the whole body politick ſhould have power to reſtrain them.

And if reaſon will allow this liberty of reſiſtance to private perſons (as even *Barclay* and *Grotius* the two great propugners of the ſacred and inviolable power of Kings, grant) how much more *cleare*, *honourable*, and *ſafe* muſt ſuch a defence needs be, when done by the *repreſentative body of a State*, who are Gods ordinance as well as Kings, the miniſters of God ſent by him to be a terrour to evill, and a praiſe to them that do well. And in England are the higheſt Court of Judicature, and in whom his Majeſty confeſſes there is legally placed ſufficient power to prevent Tyranny. Barcl. contr. narch. Grot. iure l.1.c. Anſw. the poſit.

Upon ſuch reaſons as theſe, not only *Heathens* have reſiſted their Princes, when bent to ſubvert their laws and liberties; but even moſt of the *States of Chriſtendome*, Papiſts and Proteſtants when they have been put to it, have borne defenſive Armes againſt the unlawfull violences of their miſled Princes.

But now if notwithſtanding all this faire ſhew of reaſon Gods word hath determined the contrary, we muſt lay our hands upon our mouths and ſhall no longer deſerve to be accounted the ſervants and ſubjects of Chriſt, then while we turne our reaſon (how ſpecious ſoever) out of doores, when once it offers to oppoſe the leaſt *Iota* of his revealed

will. But where is this Scripture to be found? Certainly the good Subjects in the Old Testament knew it not. *Sauls* Subjects who *swore that Saul should not kill Ionathan*, nor pluck an haire from his head, *though Saul had sworne by God* he should die, knew no such Scripture: and I believe that if the same men had been about him when he protested the Priests of the Lord should die, they would not only have with-held their *own*, but *Doegs* hands from doing execution. *David* knew no such Scripture; nor the 600 men with him, that would have fortified *Keilah* against *Saul*. Nor those many choice men of the *severall Tribes* of *Israel*, among whom were some of *Sauls brethren and kindred* and chief officers, that fell to *David* (though *Saul* had proclaimed him traitor) from day to day to help him, till it was a great host like the host of God: And all this while *David* was (though an innocent, yet) but a private man. And I think if *Elias* had took himselfe bound in conscience to render himselfe prisoner to the Captains which *Ahaziah* sent for him, he would not have killed them with fire from heaven: Neither would *Elisha* have taken such a rough course with the messengers sent to take his head. Nor would the *eighty valiant Priests* have thrust *Uzziah* by force out of the Temple, who was a *King* still, though a *Leper*. Neither can these examples be eluded with saying these were extraordinary persons; for first they were not all so, not the people that resisted *Saul*, nor the people that fell to *David*, nor the eighty Priests, unlesse in the extraordinarinesse and valiancy of their spirits: And for the extraordinary persons themselves, I know nothing why their examples may not be pleaded, for our Defensive Armes, as well as *Davids eating the shewbread* was pleaded by our Saviour, for his Disciples rubbing the ears of corn, unlesse they can first shew, that their practice was against a known law, I mean, unlesse there were some known law that *Innocents might not defend themselves, and one another against the unjust violence of their Princes*. Indeed we often read in the Old Testament *of Fearing* the King, *Honouring* the King, *Obeying* the King, which their practice shewes they understood to bind them to yeeld Honour, Loyalty, Obedience, and Subjection to their Magistrates *according to law*; but not that they were bound to let them doe what mischeife they *pleased*.

m. 22.

Neither

Neither is there any more in the new Teſtament; there indeed are full and frequent exhortations to *ſubmit our ſelves to Magiſtrates, to be ſubject to the higher Powers which are ordained of God, and not to reſiſt the Ordinance of God*; but not one word that we may not *reſiſt the Tyrannie of men*, no colour for it, unleſſe any will ſay that *Tyrannie* is Gods *Ordinance*, that *Tyrants* beare the ſword for the puniſhment of evill doers, are the Miniſters of God, &c. full proof there is that we muſt be under the authoritie of Rulers, that is, under their *Legall Commands*; not one word of being at the diſpoſe of their *illegall wills*: The word uſed there is ἐξουσία, derived *ab* ἔξεστι, *licet*, to ſhew as one obſerves, that the Text bindes ſubjects to obey Superiours not *ad libitum*, but *ad licitum*, not to obey their *lawleſſe luſts and wills*, but their *lawfull authority*, without reſiſting. And ſurely it were ſtrange, that if God had laid this yoke of ſubjection to the *illegall will of Rulers*, that neither the Jewes under their *Kings*, nor under *Antiochus*, nor the *Churches of Chriſt*, nor the *primitive Churches* after once their religion and liberties were *eſtabliſhed by Laws*, nor any of the *Reformed Churches* have took themſelves, concluded under it: which of all the Reformed Churches have not by their practice manifeſted, that religion bindes them not to give their throats to be cut, or their liberties and ſtates to be ſpoiled at the meer will of their Princes and their Inſtruments, contrary to their own Laws and Edicts? Were not the *Lutheran* Churches put to it, and defended themſelves againſt the *Emperour* Charles *the fifth*, when the *Smalchaldian* confederacie was entring? Did not both the Divines and Lawyers being conſulted with, agree, that the inferiour Magiſtrates might at ſome time reſiſt the Superiour? Have not the *States* and *Churches* of the *Netherlands* done the like conſtantly againſt the *King of Spain*? the Proteſtants in *France* againſt their Kings? How often and how lately have our brethren in *Scotland* done the ſame? And although ſince the Reformation *England* was never put to it, untill theſe unhappy differences, yet how conſtantly have our moſt learned Divines, *Biſhops* as well as others, defended by their *Pens*, and our *Princes* and *States* by their ayds of men and money, their diſtreſſed and oppreſſed Brethren and Neighbours in the like caſe; and now in our own ſight both the *King* and *States* have acquitted the *Scots*, as having done nothing in their late defence, but what became *good Subjects*. And what

Dr. Chry Matthia polit l.b 3 Sect. 3.

Sleid. hiſt. l.b. 18.

Abbot R B Suliſp. demonſtratio. Antichriſt. c. 7. Bilſons d ference betweene Chriſtian ſubiect and Antichriſt. rebellion.

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the judgement of this Nation was in the time of *Popery* is plain enough by their practice, in their usuall taking of Armes, and not leaving till they had compelled their Princes to ratifie their Priviledges and Charters, which through ill Counsellors they had infringed. And observeable it is, that because the Bishops and Clergie of those times saw the Princes go about to take down their pride, they were ever the most forward to justifie the proceeding of the State; and I suspect, in case the Tables were turned, and we had a King endeavouring *to take downe the Bishops*, *to take away Pluralities*, *Non-Residents*, &c. and a Parliament seeking to maintain them, the world would hear another Divinity from many of them, who now crie out, that all our defence is damnable.

But lest I might be thought not to have weighed the Scripture and reasons of both sides equally, I will give you a further account what my thoughts were and are concerning the Scriptures usually pleaded against this resistance, and the reasons deduced from them. The *strongest hold* they pretend to, is built upon *Romans* 13.1. &c. 1 *Peter* 2. 13, 14.

om. 13.1.
Pet. 2.12.

where we are enjoyned subjection to the Higher Powers, especially to the King as Supreme, and all know that *Nero* the then supreme Governour, was no better then a Tyrant. *Answ.* First, it is observable, that this objection and almost all the rest taken out of the Scripture make the case of all Subjects in all Kingdoms to be alike; that although (as I touched before) there are hardly two Kingdoms in the world but do differ in Laws Customs and Constitutions bounding the Kings authority and the Subjects obedience, yet if any of these would change the the bounds of his authority (for instance, If the King of *Denmarke*, or *Sweden* or *Polonia* would invade the liberty of his Subjects, and make himselfe as absolute, (not onely as the King of *England*, but) as the King of *France*, or *Spaine*, or the *Great Turk*) this argument tyes all their Subjects from resisting; let any man shew an *outgate* for the Subjects of the *one*, which will not let out *others*, and for my part I will yeeld the cause: If they say these Kings tooke their Crowns upon those termes, and the Subjects indented to have libertie of resistance in such cases, then they grant that where the Laws of the Kingdom allow a liberty of resistance, resistance may be used notwithstanding these texts, which is as much as we plead for: If any people have covenanted in no case

to

to resist, let them seek another answer, in the mean time these Texts tie not those from resisting (by their own answer) who have not tyed themselves.

Secondly, I appeal to their own judgements, whether these Texts forbid *all forcible* resistance; Suppose a Prince in his rage should go about to kill himselfe, or runne some innocent man thorow with his sword, might no man take the sword out of his hand? and if it be lawfull for a *private man* to dis-arme him of the weapons wherewith he would kill *one*, may not the State take such weapons out of his or the hands of his Instruments, wherewith they goe about to *destroy all*. Thirdly, both Texts lay the same charge for subjection to inferiour Magistrates, who likewise have their authoritie from God, though under the Superiour: As our Saviour said to *Pilate*, who was but a *Deputy*, thou couldst have no ἐξουσίαν, no power at all against me, if it were not given thee from above. And may no resistance be made against the unjust violence of inferiour Officers; if there may, it is sufficient; sure I am, the Texts have not one word to allow the one and prohibite the other. Fourthly, what one syllable in either of these Texts so much as looks towards the forbidding of a people *to resist Tyrannie*, but onely that we resist not the Magistrates in the rightfull exercise of their authority given them by God: the Texts speak not of their *persons*, but of their *power*; not of their *dictates*, but of their *legall commands*; no more of *Kings* than of an higher Power in an *Aristocracie* or *Democracie*, binding all persons to subject themselves to that Power and Authoritie which in the severall places where they live is the *Highest or Supreme power*.

Object. But *Nero was a Tyrant.*

Answ. Not in his five first years, nor secondly, was he a Tyrant in all things; he had authoritie to rule according to Law, that was not his Tyrannie; his Tyrannie was, what he usurped contrary to the Laws: nor thirdly, were all his under-Officers Tyrants, many of them could say with *Festus*, *Acts* 25. *It is not the manner of the Romanes to deliver any man to die, before that he which is accused have the accusers face to face, and have leave to answer for himselfe*; and would accordingly dismisse them, if they *had done nothing worthy of death, or of bonds*.

Object.

a.2. *Object.* 2. But doth not the thirteenth Chapter of the *Romans* plainely binde mens hands from resisting the Supreme Power.

Answ. *Answ.* By the Supreme power must be meant, that power, which by the originall and fundamentall Constitution of any People and Nation, hath authoritie to *make Lawes* which shall binde the whole Nation, to *aispose of the estates* and *lives* of any person or persons for the good of the Nation, to *judge* every person and persons in the Nation *determinatively* and *conclusively*, so as from that judgement there is no *appealing*, that power it self being subject to the judgement and authoritie of none but God: and *Aristotle* makes three distinct Branches of this power.

lib.4. pol.

1. The power *of making and repealing Lawes, a Legislative power.*

2. The power of *making Warre and Peace*, of *imposing Customes and Tributes.*

3. The power of *judging Causes and Crimes* ultimately and decisively: where these three meet, and make their *residence*, whether in *one person*, as in absolute Monarchs; or *in many*, as in mixed Monarchies or Aristocracies; or *in the body of the people*, as in the ancient Roman Government, there is the highest power which every soule is forbidden to resist: But now what ever be the higher power in *England*, most certain it is, that the Kings *absolute or illegall will*, is not the highest power, that hath neither power to *make Laws*, nor *repeale Laws*; that hath not power to *acquit or condemne*; nor may men *appeal from the Kings lawfull judgement Seate to the Kings absolute will*; but his legall will in the highest Court, or the *King and Parliament* may *make Lawes* or *repeal Lawes*, may *engage the whole Nation in a Warre*, and command both the *Bodies* and *Purses* of men unto the service, is the *highest Court* of Iudicature, to which all may appeal, and from which none may appeal, and consequently against which there is no resistance. So that if men would read this Text of the thirteenth to the *Romans*, in *plaine English* it amounts directly to thus much, Let everie soul in *England* be subject to *King and Parliament*, for they are the higher powers ordained unto you of God, whosoever therefore resisteth *King* and *Parliament*, resisteth the Ordinance of God, and they that resist shall receive to themselves damnation. I would desire no other Text but this

Grotius de iure bel. lib.1.c 3. 6.

to

to confound the great Chaplains and Champions of the Antipatliamentary cauſe, or to ſtrike terrour into their Loynes, if their long converſing with *God-dammee's*, hath not drawn ſuch a Kawl over their hearts, that to them damnation is ridiculous.

Object. 3. But doth not Saint *Peter* ſay expreſly, the King is *Supreme*, 1 *Pet.* 2. 12.

Anſw. 1. It may as well be tranſlated *Superiour*, as Supreme, the ſame word in the 13 of the *Romans* is tranſlated *Superiour*, *higher*, *not higheſt*. 2. It is plain, the Apoſtle is not there *conſtituting Governments*, but giving direction to people to *obey the Government* they lived under; and the Text hath as much ſtrength to enforce ſubjection to Ariſtocracie, as to Monarchy: If the people of *Pontus*, *Aſia*, *Cappadocia*, *Bithynia*, were under an abſolute Monarchy, as ſometimes they were, being petty Kingdoms crumbled out of the great Monarchy of *Alexander*; and it may be did retain yet the ſame forme of Government, if not of their own, yet as lately received from the *Romans*; all that can be enforced from thence is, That the Apoſtle names the Kings of thoſe particular Countries to be ſuch as they were, and commands ſubjection to them, but no wayes tyes other Kingdoms to be like unto them.

Object. 4. But we in *England* by our *oaths*, do acknowledge the King to be Supreme.

Anſw. 1. We willingly grant Him to be Supreme, to judge all perſons in all cauſes *according to His Laws*, *and the eſtabliſhed Orders of the Kingdom*; but not at or by His abſolute will or pleaſure. 2. Whoever conſiders the *title*, *ſcope*, and *words*, both of the *Oath* and the *Act of Parliament* that enjoynes it, will eaſily ſee that both the Act and Oath were intended in *oppoſition* to that Supremacie which the *Pope* ſometimes challenged and uſurped in this Kingdom of *England*, and no more: And this to be the true intent and meaning of it, appears more fully by that *explication* or *limitation* of the Oath, made the next Parliament, 5. *Eliz.* Wherein it is declared, That that Oath made, 1. *Eliz.* ſhall be taken and expounded in ſuch form, as it is ſet forth in an admonition added to the Queens Injunctions publiſhed, *Anno* 1. of Her Raign, *viz.* To confeſſe or acknowledge in Her, Her Heirs and Succeſſors, *no other Authority then* that which was challenged and

 lately

lately uſed by King *Henry* the eighth, and *Edward* the ſixth. And by this time you may ſee how little offenſive theſe two (ſo much boaſted) Texts are to our defenſive Arms.

Other places of Scriptures the adverſaries ſeem not much to confide in, therefore I will paſſe them over the more briefly; yet let us a little conſider of them, *Matth.26.52. They that take the ſword ſhall periſh with the ſword.* Where Chriſt ſeems to rebuke *Peter* for uſing defenſive Arms againſt the Officers that came with a *pretext of authority* to apprehend Chriſt.

Anſw. 1. This is not a reproof of the ſword taken for *juſt defence*, but of the ſword taken for *unjuſt oppreſſion*, and a comfort to thoſe that are oppreſſed by it; for *Origen*, *Theophylact*, *Titus*, *Euthimius*, interpret the meaning to be, That Chriſt doth not rebuke *Peter* for uſing defenſive Arms, but to let *Peter* know that he need not ſnatch Gods Work out of his hand; for God would in due time puniſh thoſe with the ſword, that came thus with the ſword againſt him; and that theſe words are a Propheſie of the puniſhment which the *Roman* ſword ſhould enact of the bloudy Jewiſh Nation; according with the like expreſſion *Revel.13.10. He that kills with the ſword, muſt be killed with the ſword, here is the patience, and faith of the Saints*, that is, This may comfort the Saints in their perſecutions, that God will take vengeance for them. But Secondly, Suppoſe it was a reproof of *Peters* uſing the ſword; then the plain meaning is to condemn *Peters raſhneſſe*, who drew his ſword, and never ſtaid to know his Maſters minde, whether he ſhould ſtrike or not; and ſo reproves thoſe who *raſhly*, *unlawfully*, or *doubtingly* uſe the ſword: Adde this, That now was the hour come of *Chriſts ſuffering*, and not of his *Apoſtles fighting*, wherein Chriſt would not be reſcued, no, not by twelve Legions of Angels, much leſſe then by the ſword of man; Therefore he ſaith to *Peter*, put up thy ſword, &c. But intended not that it ſhould alwayes be unlawfull for his people to uſe the ſword in their juſt defence, againſt unjuſt violence; for then he would never have commanded them, but a little before, that *he that hath two Coats, let him ſell one and buy a ſword.*

Eccleſ.8.2. &c. *I counſell thee to keep the Kings Commandment*, &c. *He doth whatever he pleaſeth*, &c. *Where the word of a King is, there is power, and who may ſay to him what doſt thou?*

Anſw.

Answ. 1. *No man can understand* it literally in all things, as if every Commandment of the King must be kept, as if no actions of the King might be scanned, nor reproved by any man, as the Canonists say of the Pope, That if he lead thousands to hell, none may say, Why dost thou so? Surely, if *Saul* command to murder the Lords Priests, that commandment need not be kept? If *David* lie with his neighbors wife, *Nathan* may say, Why dost thou so? If *Ahab* murder *Naboth*, and swallow his Inheritance, worship *Baal*, persecute and kill the Prophets of the Lord, *Elijah* may reprove him, notwithstanding this Text, *Who can say unto him what dost thou?* Secondly, The Text plainly enough interprets it self, Keep the Kings Commandment, *according to the Oath of God, stand not in an evill thing* against him, he hath power to do what ever he will. *Si scelus patraveris effugere non poteris*, If you commit evill, you cannot escape punishment: where the word of a King is, there is power. *viz.* To punish them that do evill, and none to call him to account for doing it, and who can say unto him, What dost thou?

Another Text is, *Prov.*8.15. *By me Kings raign*, &c. Whence they plead, That because Kings and Princes *receive their authority only from God*, and the people at the utmost *only designe the Person*, but give him none of his power; therefore they may in no case, take away his power from him.

Answ. 1. It saith no more of Kings, then of Nobles, Senators, and all other Judges of the earth; for it follows, *By me Princes rule, and Nobles, even all the Judges of the Earth.* Secondly, Although no such thing is in the Text, That the people give no power to the Magistrate, yet we will suppose it to be true, what then will follow more then this? That although they may not take from the Magistrate that *power* which *God hath given him*; yet they may defend themselves against such *unjust violences*, as *God never gave* the Magistrate power to commit. A woman hath power to designe the person of her husband to her self, but the authority of a husband is from God; now though the wife may not take away the husbands just authority, she may defend her self against oppression and injury.

Some alleadge Gods judgement upon the two hundred and fifty Princes, *Numb.*16.

Answ. They were Rebells against their lawfull Governours, ruling exactly, according to the expresse will of God, And may all those perish with them who will plead for such as they are.

Others alleadge, 1 *Sam.* 8. 11. Where the people are let to understand how they shall be oppressed by their Kings; yet for all that, have no just cause of resistance; for they shall have no other remedy left them, but *preces & lachrimæ*, crying to the Lord, *Vers.* 8.

Answ. But saith the Text so? Let us read the words a little, and *you shall cry out in that day, because of the King, which you have chosen, and the Lord shall not hear in that day.* Is this to say, they have no just cause of resistance, nor no remedy left, but complaining? Indeed, if the Holy Ghost had said, *you shall not resist, nor fight for your liberties*, &c. there had been some shew of reason for such a deduction, as some would extort from them; but yet, even then, Why might not the words have been a *prediction of the curse of God upon* the people, giving them up to such a base degenerate ignoble spirit, that they shall have no heart to stand up in the defence of their liberties and lives, rather then a *prohibition of such resistance?* The Lord foretells the people, *Ezek.* 24. 21. Of calamitous times, in which he tells them, *Vers.* 24, *That they should not mourn or weep*; Will any man interpret this, as if God made it unlawfull for them to mourn, or to weep, or was it not rather a prediction of their stupidity of spirit, when they should pine away under these calamities? so *Jere.* 27. God said *they should put their necks under the yoke of the Kings of Babylon*; Will any man thence gather, That other People are bound to put their necks under the yoke of a forraign enemy invading them? In one word, the plain meaning is, That this people *should dearly rue it for casting off the form of Government which God had chosen for them*; and when they should mourn under their own choice, God would not take the yoke from off their necks; and so it is a *threatning of a judgement, not an imposition of a dutie.*

But *David* durst not lift up his hand against the Lords Anointed, though he did tyrannically persecute him; yea, though it were sometimes in his power to have killed him.

Answ. No man pleads that any *David* should kill the Lords Anointed;

ted; yet he may defend himself against his unjust violence, as *David* here did.

Object. But if they may not kill him, who can be secured, That in a battle (as at *Keynton* field) his bullet may not hit the Lords Anointed.

Answ. Is this their fault, who have so often Petitioned His Majesty to withdraw Himself from such dangerous wayes, as both the Parliament and his Excellencie hath done; if their Petitions would have been received, or rather theirs? Who (the worse subjects they, and the more accursed they) have led Him into these unnaturall Warres, and do in a manner inforce His presence in them? did they bear that affection to His Majestie as they pretend, They would with *Davids* men, *Swear, thou shalt no more go out with us to battle, least thou quench the light of Israel*, 2 *Sam.*21.17. We have heard much of the Cavaliers swearing, but I never yet heard that one of them had the honesty to swear this; nay they are wronged in reports, if some of them have not sworn the contrary.

Object. But *David* would not fight against him.

Answ. Indeed he never did fight against him, because his numbers never were considerable till towards the last, but he would have fortified the City of *Keilah* against him, and it had been a strange madnesse to have had 600 men with him, if his conscience would have suffered him to have done nothing but flee, sure *one* might more easily be hid then 600. But there is a plain Text assuring us that *David* and his men would have done more then run up and down, if occasion had served, 1 *Chron.*12.16. and so forward. When divers of the children of *Judah* and *Benjamin* came to joyn with him, *David* went out to meet them, and said, *If ye be come to help me*, &c. But if ye come to betray me to my enemies, I being innocent, the God of our fathers look upon it, and rebuke it. Now mark their answer, the spirit came upon *Amasa* the chief Captain, and he said, *Thine are we* David, *and of thy side, peace be to thee, and peace to thy helpers*, then *David* received them, and made them *Captains of the band*: Can any man imagine their meaning was to run up and down the Countries with him, if they were able to cope with any number that *Saul* should bring, or send against them? especially adding this to it, That they fell to him from the severall Tribes

day by day, *till his host was like an host of God.* Now by theſe mens argument, if *Davids* hoſt had been fourty thouſand, and *Saul* come againſt him but with five or ſix hundred, they muſt all have fled from him, and not have put it to a battell. *Credat Judæus Appella, non ego.*

Object. But the Fathers of the Primitive times knew no defence but *preces & lachrymæ* in all their unjuſt ſufferings.

Anſw. 1. It follows not, becauſe they knew it not, therefore we cannot know it: there might be ſpeciall reaſons of Gods diſpenſations towards them. 2. Their Liberties and Religion were not *eſtabliſhed by Law*, and this was the cauſe, ſaith *Abbot* Biſhop of *Salisbury*, why the Chriſtians in the Primitive times before their Religion was eſtabliſhed by Law, *cædebantur non cædebant*, would *rather be killed then kill*: But after the times of *Conſtantine*, when Religion was eſtabliſhed, *they ſhook off the yoke of perſecution from the Church*, & cædebant non cædebantur, *they did kill rather then be killed.* 3. Where did any of the Fathers ever *oppoſe* this opinion, and condemn this practiſe, that is, declaring it *unlawfull, eſpecially for a repreſentative body to defend themſelves againſt the unjuſt violence of their miſled Princes?* I beleeve if any ſuch teſtimonies were to be found, the Parliament ſhould have heard of them before this time. 4. We want not examples of ſuch defence in the Primitive times, when once Religion was eſtabliſht by Edict of the *Romane* Empire, and *Licinius* the Emperour of the Eaſt (*legum violator maximus*; contrary to Law and his Covenant) would perſecute the Chriſtians, they defended themſelves by Arms, and *Conſtantine* the great joyned with them; And as *Euſebius* ſaith, held it his dutie, *infinitum hominum genus, paucis nefariis hominibus, tanquam quibuſdam corruptelis è medio ſublatis, in columes ſervare. To deliver an infinite multitude of men, by cutting off a few wicked ones, as the peſts and plagues of the time.* The Chriſtians living under the *Perſian* King, and wronged by him, ſought for help from the *Romane* Emperour *Theodoſius*, and were aſſiſted by him, and when the King of *Perſia* complained that *Theodoſius* ſhould meddle in affairs of his Kingdom, *Theodoſius* anſwered, that he did *not onely protect them becauſe they were ſuppliants, but was ready to defend them, and no way to ſee them ſuffer for Religion, it being the ſame with*

their

their own. It seems they thought it as lawfull to help an innocent people against the oppressions of their own Prince, as for one neighbour to succour another against theeves and robbers. The *Macedonians* obtained of the Emperour *Constantius, four thousand armed men* to help them drive out the *Novatians* from *Paphlagonia*, the *Orthodox* assisted the *Novatians* against the unjust violence, and were armed *falcibus, clavis, & securibus*, with *sithes, clubs* and *hatchets*, and cut off almost all the Souldiers, and many of the *Paphlagonians*. At *Constantinople* the *Orthodox* defended *Paulus* his Election against *Macedonius* and his abettors, though assisted with the Militarie Forces, and the Historian blames them *onely* for killing the Commander *Hermogenes*. *Justina Valentinianus* mother, infected with Arianisme, commanded to banish *Ambrose*, but the people *resisted*, and for a while defeated the plot of them who would have sent *Ambrose* into banishment. The inhabitants of *Armenia* the greater professing the Christian Faith, were abused by the *Persians* (among whom they lived) especially for their Religion, they entred into a league with the *Romanes* for their safetie. You see here are some examples where the ancient Christians used defensive Arms, and I doubt not but such as are well read in the stories of those times might produce many more.

But there is one Doctour who goes about to prove by reason, that oppressed Subjects should not defend themselves against their Princes, *though bent to subvert Religion, Laws, and Liberties*, because (forsooth) such resistance tends to the dissolution of Order and Government, that is, to disable Princes from subverting Religion, Law, and Liberty (which is the very dissolution of all Order and Government) tends to the dissolution of all Order and Government; as if *hindring* a man from *pulling down* his house, were the *pulling down* the house: As if the hindring the Pilot from dashing the Ship against the rock, tended to dash the Ship against the rock; If any man else see any colour of reason in this reason, I desire them to make it appear, for for my part I can see none.

And indeed the case is so cleer, that most of them who cry down defensive Arms, though they use such Scriptures and Arguments to work upon the consciences of people, yet when they come to dispute

it,

it, will hardly endure to have the Queſtion *rightly ſtated*, (as being unwilling to daſh againſt the rock of moſt learned Divines, whether Proteſtants or Papiſts, and I think of almoſt all Politicians) but fall to diſcuſſe matters of *fact*, charging the Parliament with *invading the Kings juſt Prerogative, uſurping an exorbitant power and authority, &c.* yea His Majeſtie in all his Declarations inſiſts onely upon this, never ſuggeſting that in Conſcience they are prohibited to defend themſelves, in caſe he ſhould violently invade their Liberties, yea, expreſly grants that there is power ſufficient *legally* placed in the Parliament to *prevent* Tyrannie.

And therefore now I leave the caſe of Divinitie, and ſhall more briefly give you an account what ſatisfied me in the ſecond, I mean *matter of fact*, that His Majeſtie being ſeduced by wicked councell did leavie war againſt the Parliament: My *great evidence* was, the Parliament judged ſo; the judgement of a Parliament of *England* was never queſtioned till now by a people of *England*: all Patents, Charters, Commiſſions, Grants, Proclamations, and Writs of the Kings of *England*, receive their judgement, and are often repealed and made null by a Parliament: all controverſies betwixt the King and Subject receive their finall determination in the Parliament, the judgements of all other Courts are ratified or nullified by a Parliament. I have heard ſome wiſe men ſay, That a Parliament in *England* (like *Pauls* ſpirituall man) judgeth all, and it ſelf is judged of none; and therefore if I ſhould give you no other account of my entring upon my Office in the Armie (which was not to fight, nor meddle in the Councell of War, but onely to teach them how to behave themſelves according to the Word, that God might be with them) ſhould I (I ſay) give no other account but the determination of that wiſe aſſembly, I ſhould be acquitted by indifferent men. But although I had learned, that no diſhonourable thing ſhould be imagined of that Honourable Aſſembly, yet I held it my dutie not to yeeld blinde obedience, or go by an implicite Faith, but ſearch whether the things were ſo; and the rather, becauſe both ſides have appealed to heaven, to that God, who no doubt in due time will clear the righteous cauſe: And upon my ſearch theſe things were quickly apparent.

It was very cleare that the perſons too much prevailing with his Majeſty had long before this *Parliament* a deſigne for overthrowing our Laws, enſlaving our Liberties, and altering our Religion, and it had ſo far prevailed that we were *tantùm non* ſwallowed up, and whẽ through the good providence of God, this Parliament was called, and many hopes conceived that now his Majeſty ſeeing the miſchief of adhering to ſuch ill counſellors, would for the time to come, be wholly guided by the great Councell of his Kingdom; alas it ſoone appeared that the ſame kind of Counſellors were ſtill moſt prevayling, inſomuch that (ſoone after the pacification with *Scotland*) the *Northern* Army ſhould have been brought up to *London*, as appeares by the very Oaths of ſome who ſhould have acted it, a thing then though ſo pernicious, that not only the chiefe actors fled beyond the Seas, but many reall Courtiers earneſtly ſolicited their friends in both Houſes, that this their inexcuſable error might be paſſed over, and now to begin upon a new ſcore. But that which made me the more ſuſpect their prevailing with his Majeſty, was, that the horrid Rebellion broken out in *Ireland*, the Rebels pretending his Majeſties and the Queens Commiſſion for their warrant, it was at leaſt three moneths after, before they were proclaimed Traytors, and when it was done, no Copies of the Proclamations to be got for love or money; whereas when the *Scots* were proclaimed Rebels and Traytors, it muſt ſpeedily be publiſhed in all the Churches of *England*; I muſt acknowledge this made me to think that the *Parliament* had juſt cauſe to be jealous of great danger. But when his Majeſty returned from *Scotland*, diſcharged the guard which the Parliament had ſet for their own ſafety, & another denied except under the charge of the Queens Chamber-lain, and His Majeſty himſelfe entertained divers Captaines as a ſupernumerary guard at *Whitehall*, went to the houſe of Commons after that manner to demand the five members to be delivered unto Him; The E. of *Newcaſtle* (now Generall of the Army of Papiſts in the *North*) ſent to *Hull*, attempting to ſeize it and the Magazine there, His Majeſty according to the L. *Digbies* Letters retiring from the Parliament to a place of ſtrength, and the Queen going beyond Sea to rayſe a party there; I muſt have ſhut my eyes if I had not ſeene danger, and thouſands of thouſands would have thought the Parliament altogether ſenceleſſe if they had not importuned His

Majeſty (as they did) to ſettle the *Militia*, all former ſettlings of it by Commiſſions of Lievtenancy being confeſſedly voyd: His Majeſty refuſing this in that manner as they thought neceſſary for ſecurity, they Voted the putting of it into the hands of perſons whom they thought the State might confide in (though alas many of them ſince have diſcovered to us how vaine is our hope in man,) And ſecured the Town of *Hull* and the Magazine there: ſoone after this His Majeſty in the *North* ſeiſed *New-Caſtle* and under the name of a guard begun to raiſe an Army; all this was done before the Parliament Voted that His Majeſty ſeduced by wicked councell, &c. And when His Majeſties Army was more encreaſed, hee then declared that hee was reſolved by ſtrength to recover *Hull* and the magazine and to ſuppreſſe the *Militia*: After this indeed the Parliament began to make vigorous preparations by their propoſitions for Plate, Money, Horſe, &c.

This being the true progreſſe and ſtate of the buſines, I ſaw cleerly all along, the Kingdome and Parliament were in danger, that it was therefore neceſſary to have the *Militia* and Navy in ſafe hands, which His Majeſty alſo acknowledged; That he refuſed to ſettle it for a time in the way they conceived neceſſary, and that by the judgement of both Houſes when they were full, they had power by the fundamentall Lawes of the Kingdome to ſettle it eſpecially for a time upon His Majeſties refuſall; That His Majeſty rayſed force, and declared it was to ſuppreſſe the *Militia*, and recover *Hull* and the magazine is as cleare, and made pregnant preparations both at home and beyond the Seas: And the civill Lawyers ſay that pregnant preparations are the beginning of a War. The onely Queſtion remaining was, whether the Parliament did juſtly in ordering the *Militia*, and ſecuring the Magazine and Navy, in a confeſſed time of danger upon ſuch His Majeſties refuſall.

What the Kings power and prerogative, and what the Parliaments power was for ſecuring the *Militia* in time of danger according to the Lawes of *England* was out of my profeſſion, and in great part above my skill; But certainly unleſſe I was bound rather to believe the Votes of the Papiſts and other Delinquents about his Majeſty, who hitherto had prevailed to bring upon us all the miſeries that wee have laine under, then the Votes and Judgements of the higheſt Court of Judicature in *England*,

England, (which ſo far as I have heard was never by Common Law or Statute Law preſumed to be guilty of, or charged with the overthrow of the Kings prerogative, or the Lawes and Liberties of the Subjects untill now, and who have given us ſo much evidence of their wiſdome, watchfulneſſe and faithfulneſſe) I was bound to be concluded under their Teſtimony, and ſo conſequently that His Majeſty was ſeduced, &c. And ſurely if men who ſerve upon *Juſtice* betweene *Prince* and *People*, *party* and *party*, in matters of *life or State*, may *reſt* in the *reſolution* of the *learned Judges* that this, or that is *Law* when themſelves know it not : well might I *reſt* in the *judgement and reſolution of that Court*, which is the *Judge of all the Judicatures* in the Land. And in caſe I were unſatisfied to whom ſhould I appeale in whoſe judgement I might more ſafely reſt, eſpecially when I ſaw their Vote agreeable to that which is the ſupreame Law of all Nations, namely, that *Publique ſafety is the higheſt and deepeſt Law*, and that it is requiſite that *every State have a power in time of danger to preſerve it ſelfe from ruine* ? and no Law of *England* more known, then that the Parliament is the higheſt Court from whence there is no appeale. This ſatisfaction I had then, and ſince by the Declarations and Remonſtrances of the Parliament concerning theſe Military matters, and by other Bookes lately publiſhed, it is moſt apparent that they have not uſurped upon His Majeſties Prerogative. but what they have done is agreeable to the practiſe of former Parliaments, In putting the *Militia*, Forts and Navy into ſafe hands in theſe times of danger ; And that it was therefore lawfull for them, yea, neceſſary to take up theſe defenſive Armes, and conſequently to call in for ſupply from all ſuch who ſhould ſhare with them in the benefit of preſervation, and to diſable ſuch from hurting them who were contrary minded : I ſpend no time to anſwer the Objections that ſome make, that His Majeſty could not tarry at *LONDON* with ſafety of His Perſon, that the Lords and Commons that are with Him, were driven away by popular Tumults, and could not enjoy freedome of their Votes, &c. Becauſe I thinke theſe things are now believed by none, but ſuch as would believe no good of the Parliament though one ſhould riſe from the dead againe.

Thus Sir you have a juſt account of the grounds that *firſt induced*

mee to owne this Cauſe; you deſire to know *whether I ſee not yet reaſon to repent of what I have done: I confeſſe*, I never undertooke any thing but I ſaw cauſe to repent of my miſcariage through the corruption which cleaves to me, and great cauſe I have to bewaile my many failings in this great Worke, but for the Worke it ſelfe, I as ſolemnely *profeſſe*, I never ſaw Cauſe to repent of my appearing in it; the Cauſe is a right Cauſe, the Cauſe of God; my call to it, a cleare call, and though the Worke prove harder and longer then at firſt it was thought, yet the Cauſe is farre clearer then at the firſt.

The Worke indeed is *harder* then I expected, for whoever could have believed he ſhould have ſeen in *England* ſo many Lords & Commons even after their ſolemne Proteſtation, to *defend the Priviledges of Parliament*, And their own Vote; that His Majeſty ſeduced by wicked councell intended War againſt the Parliament, ſo ſhamefully to betray the truſt committed to them? ſo many of the Proteſtant Profeſſion joyning with an Army of Papiſts(under pretence of maintaining the Proteſtant Religion againſt a Proteſtant Parliament) to fight themſelves into popery? ſo many unworthy Gentleman fight to deſtroy a Parliament, and thereby fight themſelves and poſterity into ſlavery? ſo many Papiſts in Armes contrary to ſo *many known Lawes*, and armed with Commiſſion, to diſarme Proteſtants contrary to their *knowne Liberties*, and the Proteſtants who exceed their number an hundredfold not to riſe as one man to ſubdue them? And who would have believed that he ſhould have ſeen after all this an Army rayſed by the Parliament in ſuch an *extremity*, for ſuch an *end*, (having *hazzarded their lives*, undergon all theſe *hardſhips*, performed all theſe *ſervices*, and whoſe untimely disbanding may prove our irrecoverable ruine) ſtraitned for want of pay while *England* is worth a groat. Behold, regard, and wonder marvellouſly, I relate a thing which many will not believe, though it be told unto them, *Hab* 1.5.

But though the Worke be harder, the caſe is ſtill clearer, both in regard of the intentions of the Parliament and alſo of their adverſaries. For the Parliament, multitudes would not believe, but that they had further aimes then their own and the publique ſafety, that they intended, if not to depoſe His Majeſty, yet by force of Armes to compell

pell him to that which is not fit for a King to yield to; But now by their frequent petitioning of His Majesty, especially by the reasonableneſſe of their late Propoſitions and inſtructions, wherein they deſire a preſent disbanding of all Armes, even before any other bills were paſt, and were willing to have the Ports, Forts and Ships, &c. Of the Kingdome reſigned up into His Majeſties Hands, provided only that in theſe times of danger they might, *Pro hac vice*, be put into the hands of ſuch as the State might confide in; The ſincerity of their intentions are now ſo plaine, that I thinke *Malignity* it ſelfe cannot but be convinced of them.

And the intentions of the contrary councells are as plaine, their mask now falling off, and their deſigne more then ever diſcovered to be the overthrow of Parliament, liberty, Lawes and Religion. For at firſt, we had Declarations to preſerve all the juſt priviledges of Parliament, but now we ſee men proclaimed Traytors for executing the Commands of the two Houſes, and the two Houſes themſelves, if not in direct, yet in equivalent tearmes proclaimed Traytors, yea, denyed to be a Parliament, becauſe His Majeſty withdrawes himſelfe, and after multitudes of Petitions refuſes to returne, and becauſe many of their Members have deſerted them, and are protected by His Majeſty from the Houſes who have ſent for them. Yea, they are required to recall their Votes as illegall, and that ſuch as they have fined and impriſoned, may bring their *Habeas Corpus* to he tried in an inferiour Court. Yea, people provoked to ſcorne them, and thereupon multitudes not fearing to trample upon, and caſt as vile ſcorne and contempt unjuſtly upon that thrice-honorable Court, as ever was caſt juſtly upon the Commiſſaries Courts.

We have heretofore been aſſured that the knowne lawes of the land ſhould be the only rule of government: but (to name no other inſtances) now we ſee the Commiſſion of *Array* to be juſtified to be Law, which the Parliament hath not only declared, but demonſtrated, and the Countries (where ever it hath prevailed) found, to be the utter deſtruction of all the Lawes made for the Subjects liberty.

Heretofore proclamations were put out that no papiſts ſhould be entertained into His Majeſties Army, becauſe the reſolution was

to maintaine the Proteſtant Religion ; But now we ſee them armed, and armed with Commiſſion, and Proteſtant Doctors in their writings juſtifying it, and being armed dare profeſſe their Religion publiquely, ſet up their maſſe in the ſecond City of the Kingdome, cutting in pieces, and burning Bibles, and as multitudes of reports come from beyond the Seas, (and the ſupplies that come from thence confirme it) all the Papiſts in Chriſtendome contributing to this War as to the Catholique cauſe. Heretofore the Liberty of the Subject ſeemed to be ſtood for, yea defended againſt the Parliament, (as it it were poſſible the repreſentative body ſhould enſlave it ſelfe) and in the meane time while theſe things are promiſed, hundreds, yea thouſands of his Majeſties Subjects plundred with His Majeſties Proclamations againſt plundering, in the hands of diverſe of the plunderers. And their perſons led away in Ropes and Chaines like *Turkiſh* Gallyſlaves, and many caſt into Priſons and Dungeons only for defending themſelves againſt robbers and murderers abuſing His Majeſties Name : where their Jaylours uſe them worſe then the *Turkes* doe their Chriſtian ſlaves, or one that hath any thing of man in him could uſe a dog.

And when all theſe things are *now* done, the Parliament not only ſitting, but having ſo much ſtrength in the Field, what can we expect when theſe men have prevailed, when at the putting on of their harneſſe their uſuall language is nothing but blaſphemy againſt God, (not to be mentioned,) and againſt His people calling all that adhere to his and the Kingdoms Cauſe, Parliament dogs, and Parliament rogues ? what language will you expect to heare if once they come triumphantly to put it off ? If while the event is uncertaine they cut us out ſuch kinde of Lawes, Liberties, and Parliament-priviledges as theſe are, if God for our ſinnes ſell us into their hands, thinke if you can, what Lawes, Liberties, and Parliament-priviledges our poſteritie ſhall finde Recorded in our bloud ; for our ſelves alas, *who ſhall live when God doth this*, nay *who would deſire to live ?* I would rather with holy *Auſtin* make it my humble ſuite to that God whoſe are the iſſues of life and death, that he would rather take mee from the Earth, then let mee live to ſee His deare Church, and my native Countrey delivered into

into the hands of ſuch Blaſphemous, and barbarous Men.

So that in ſtead of repenting and withdrawing from the Worke, I could wiſh that my voyce were able to reach into every corner of the Kingdome, and that I could awaken all people to ſee the danger and miſery that is flowing in upon them. That every ſoule might be quickened up to make his owne, and helpe to make *Englands*, bleeding, dying *Englands* peace with God, and every one who hath any intereſt in Heaven to cry mightily unto that God in whoſe hand the hearts of Kings are, and who rules in the Kingdomes of men, that the power of our God might be great towards us, in turning away theſe imminent calamities, and turning the heart of our King towards His great and faithfull Councell, and reſcuing Him out of the hands of this Generation of men who delight in blood. Our God hath nor yet ſayd, pray not for this people, but if the Lord ſay he hath no delight in us, Righteous art thou O Lord, and juſt are all thy judgements: onely let us not be acceſſary to our own deſtruction, and the deſtruction of ſo flouriſhing a Kingdome; let us not through our covetouſneſſe or cowardize, ſelfe-love or ſloth, betray our Lawes, Liberties, Lives, Religion into the hands of men from whoſe hands, we befoole our ſelves if we expect more mercy, or leſſe miſery, then the poore Chriſtians of *Conſtantinople* found with the *Turkes*, when thankes to their owne niggardlineſſe (O let it never be ſo with *England*) they fell into their hands. Oh let us labour to prevent their Swords thruſting into our bodies, and their Swords into our Soules, let our God doe with us what he will, let us doe what we ſhould, and while we have any money in our purſes, any blood in our veines, or any ſpirits in us, devote all to the maintenance of this rightfull cauſe, and if we periſh, we periſh.

Nor doe I feare to be for this condemned by any right diſcerning man as an incendiary to a Civill War, I know the miſeries of a Civill War: Warre is the ſevereſt of all Gods judgements, and Civill War the cruelleſt of all Warres, where is the greateſt hatred, the deepeſt treachery, the moſt unnaturall butcheries, where the father murders the ſonne, the ſonne the Father, the brother embrues his hands in his brothers blood, and whoever gaines, all are looſers:

loſers : *Quis furor O cives, quæ tanta licentia belli ?* Oh the madneſſe of our age and Countrey, if *England* have ſuch a luſt to War, can we find no forraigne Enemies, but we muſt Warre againſt our ſelves, and at this time too, *Cumque ſuperba foret Babylon Spolianda trophæis* ; When the proud Turrets of the Whore of *Babylon* are to be levelled with the Earth : when *Germany*, when *Ireland* are to be reſcued out of her bloudy pawes ? Can we finde no fitter Object for the fury of the Cannon, then our Townes, Houſes, Bodies ? But alas ! The Generation with whom we have to deale had rather a thouſand times ſee the glory of *England* in the duſt, then the pride of *Rome* : And though a civill War be miſerable, yet no ſuch miſery as the peace which they would beteem us, a *Sicilian veſpers* or a *Pariſian maſſacre*, from which good Lord deliver us, *Save Lord, let the King heare us when we call.*

Thus Sir, you have my thoughts at large, you may either lay this Letter by you, or communicate it for the ſatisfaction of others at your own pleaſure. I bleſſe God I am gathering ſtrength, and hope ere long by my returne to my Lord and the Army (if God pleaſe not to ſmile upon us with a ſafe Accomodation in the meane time) to give a reall proofe that my judgement is the ſame that formerly it hath been, and I hope you believe my affection is the ſame ſtill to you, and therefore without further trouble, I ſubſcribe my Selfe.

Your loving friend,

Stephen Marſhall.

FINIS.